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MEMO ENDORSED

July 9, 2020

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application Granted. Plaintiff shall oppose the motion to dismiss by August 21, 2020; Defendants shall reply by September 21, 2020. The Defendant is requested to mail a copy of this Order to the pro se Plaintiff. The Clerk of Court is directed to close ECF 30. SO ORDERED.

Ona T. Wang July 10, 2020
U.S.M.J.

Re: Gregory Destine v. City of New York, et al., 20-CV-00082 (LTS) (OTW)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant City writes respectfully to convey plaintiff's request for an extension of time to oppose the City's motion.¹ Specifically, plaintiff seeks an enlargement of time from July 31, 2020 to August 21, 2020 to oppose defendant City's motion to dismiss. The undersigned consents to this request and respectfully request a corresponding extension be applied to defendant City's time to reply to plaintiff's opposition.

By way of background, on January 2, 2020, plaintiff filed the complaint in this action alleging, *inter alia*, that he was falsely arrested by employees of the New York City Police Department on November 5, 2017.² (ECF No. 2.) On May 1, 2020, defendant City, the only party

¹ Defendant City is writing on plaintiff's behalf in light of his status as a *pro se* incarcerated person.

² Defendants have reviewed the complaint and the available documents in this case, and it appears that the individual defendant plaintiff purports to name in his complaint, Officer Joseph (Shield No. 5012196), is not an employee of the New York City Police Department. Upon information and belief, Officer Joseph is an Amtrak Police Officer.

counsel represents, filed its motion to dismiss the complaint pursuant to Fed. R. Civ. P. Rule 12(b)(6). (ECF No. 17-19.) To date, plaintiff has not responded to the motion, nor has the Court ruled on it. On June 30, 2020, the parties participated in an initial case management conference and proposed case management plan. During the conference, the Court extended plaintiff's time to file an opposition until July 31, 2020, and Defendant City's time to reply to August 31, 2020. (ECF No. 29.) That same day, during a conversation with plaintiff there appeared to be some confusion as to which motion papers he had received. Therefore, on July 2, 2020, the undersigned once again mailed plaintiff a copy of defendant City's Motion to dismiss, including supporting documents. On July 9, 2020, this Court also mailed plaintiff a copy of defendant City's motion to dismiss and supporting documents. (Civil Docket Entry Text dated July 9, 2020.) Today, while discussing the upcoming court deadlines, plaintiff informed me he was not in receipt of the motion and for that reason is seeking an enlargement of time to oppose defendant City's motion to dismiss. Accordingly, plaintiff seeks a 21-day enlargement of time to oppose defendant City's motion to dismiss.

Thank you for your attention to this matter.

Respectfully submitted,
/s/ Amanda Rolon
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BY FIRST-CLASS MAIL

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